

Remarks

In the Advisory Action mailed on February 26, 2004 and the Supplemental Advisory Action dated March 29, 2004, all of claims 17-38 remain rejected, as per the Final Office Action mailed on November 6, 2003.

Applicants submit this Amendment together with the filing of a Request for Continued Examination. In this paper, Applicants have amended claims 17 and 21, and have added new claim 39. Applicants respectfully request reconsideration and withdrawal of the rejections in view of the following remarks.

A. Rejections under 35 U.S.C. §102(b):

In the Final Office Action, claims 17, 18, 20-24 and 26-35 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 4,253,723 to Kojima et al. ("Kojima et al.").

Kojima et al. describes an apparatus for optically reading optically detectable indicia on a record carrier, such as a video disc. The indicia are recorded in the form of pits on the record medium. A source of coherent light transmits a beam to the record carrier. A hologram 13 is interposed between the light source and the record carrier. The intensity of the focused beam is modulated by the recorded indicia and at least one photodetector is disposed in an optical path traversed by the modulated beam so as to detect the intensity thereof.

Independent claim 17 recites "a device to detect a state of *a* component" (emphasis added). The device includes, among other features, a receiver and a transmitter, both of which are recited as being "disposed on *the* component" (emphasis added). Claim 18 provides examples by further reciting that "the state of *the* component include at least one of a deformation state, a loading state, and a movement of *the* component" (emphasis added). Thus, those claims require that the transmitter and the receiver be disposed on the same component as they are detecting.

Applicants respectfully submit that Kojima et al. clearly does not describe this feature, but rather describes detection devices mounted on *one* component (holder 12) to detect a state of *another* component (record carrier 3). Hologram 13 and photodetector 14 detect a state of record carrier 3. However, hologram 13 and photodetector 14 are not disposed on record carrier 3, but instead are disposed on holder 12, which is not in any way connected to record carrier 3. See, e.g. Fig. 2A and office action at paragraph 3. There is absolutely no disclosure in Kojima et

al. of a device to detect any state of the holder 12, whether that state is a deformation, loading, or movement of the holder 12 or any other state of the holder 12.

Moreover, Applicants have amended independent claim 17 to include the further limitation (from claim 21), that the “transmitter and the receiver are disposed in such a way that a deformation of the component effects a corresponding position shift of the beam.” There is simply no description in Kojima et al. of the record carrier 3 deforming in any way, not of such a deformation causing a position shift of a beam. Applicants have also amended claim 21 to correspond properly to the changes made to claim 17.

Because the features of a receiver and a transmitter “disposed on the component” is not described in Kojima et al., and because those features are included in every claim, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §102(b).

B. Rejections under 35 U.S.C. §103:

In the Final Office Action, claims 19, 25, and 36-38 were rejected under 35 U.S.C. § 103(a). Specifically, claim 19 was rejected as being unpatentable over Kojima in view of Ogawa and claim 25 as being unpatentable over Kojima in view of Wulf. Claim 36 was rejected as being unpatentable over Kojima in view of Nygren, Jr. et al., claim 37 as being unpatentable over Kojima in view of U.S. Dang, and claim 38 as being unpatentable over Kojima in view of Nygren Jr. et al. and Dang.

Claims 19 and 25 depend from independent claim 17, discussed above. Thus each of those claims include the features, discussed in the preceding section. Applicants submit that Kojima et al. also does not teach or suggest these features, and in fact teaches away from them. For example, mounting the hologram 13 and photodetector 14 on the video disc 3 in Kojima et al. would render the optical reading device of Kojima et al. completely inoperable.

Applicants further submit that Ogawa, Wulf, Nygren Jr. et al., and Dang also fail to describe -- or to teach or suggest -- a device for measuring a state of a component having a transmitter and a receiver disposed on the component.

Claims 37 and 38 depend from independent claim 36 and recite a “device to detect various states of *a* component” that includes a receiver and a transmitter that are both disposed on a plate which is “clamped onto *the* component”. Thus, claim 36 requires that the transmitter and receiver be disposed on a plate that is clamped to the same component that that they are

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detecting.

Kojima et al. clearly does not teach or suggest that feature. On the contrary, any components for transmitting and receiving are disposed on holder 12, which could not possibly be "clamped to" the component being detected (i.e. record 3) and still have a working device. The other references: Ogawa, Wulf, Nygren Jr. et al., and Dang also fail to describe -- or to teach or suggest -- a device for measuring a state of a component having a transmitter and a receiver disposed on a plate that is clamped to the same component that is being detected.

Applicants therefore respectfully submit that, because none of the cited reference teach or suggest a device for detecting a state of a component having a receiver and a transmitter disposed on that component, no combination among those reference can possibly render any the claims unpatentable.

Accordingly, Applicant requests withdrawal of the rejections to claim, 19, 25, and 36-38 under 35 U.S.C. § 103.

C. New Claim 39:


Applicants have also added new claim 39, which depends from claim 17 and includes the additional feature that the receiver and the transmitter are disposed on "an interior of the component." Support for new claim 39 is found in the specification, for example, at Fig. 4.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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